

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 44 OF 2005

Mrs. S.V. Potnis And Another ...Petitioners

Versus

Jijamata Mahita Sah. Bank & Anr. ...Respondents

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Mr. A.D. Patwardhan with Mr.K.S. Bapat counsel for
Petitioner

Mrs. Meena H. Doshi, counsel for Respondent No.1.

Mr. P.M. Huddar, counsel for Respondent No.2.

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CORAM: B. H. MARLAPALLE, J.

DATED: 18TH JANUARY, 2005

P.C.:-

1. Heard Mr. Patwardhan with Mr. Bapat, counsel for petitioners and Mrs. Doshi for respondent No.1 and Mr. Huddar for respondent No.2.

2. Being aggrieved by the order dated 24.12.2004 passed below Exh. U-2 in complaint (ULP) No. 311/2004 by the learned Member, Industrial Court, Pune, this petition has been filed by two employees of respondent No.1 Bank contending that the settlement for revision of salaries and other service conditions entered on 18.10.2004 between the respondent No.1 and the Bank Karmachari Sangh is illegal on the ground that the respondent No.2 Shri.

Shriram Bhide had no authority to negotiate or enter into a settlement on behalf of Bank Karmachari Sangh. It was further alleged that Mr. Sanjay Abhyankar was the General Secretary of the Bank Karmachari Sangh, he was illegally removed in the general body meeting held on 3.12.2004, the appointment of Shri. Shriram Bhide in place of Mr. Abhyankar has been found to be prima facie illegal by the Industrial Court and, therefore, he had no authority to sign the settlement dated 18.10.2004. It is further contended that the said settlement provides for certain deductions towards the Union funds and if this money is transferred to the Bank Karmachari Sangh, the respondent No.2 is likely to misuse the said funds.

3. Prima facie, it appears that the dispute regarding the internal management of Bank Karmachari Sangh has been sought to be adjudicated in a complaint of Unfair Labour Practice, moved before the Industrial Court at Pune through the medium of respondent No.1 Bank. There is no dispute that the Bank Karmachari Sangh is the registered and approved Union and under the B.I.R. Act for the respondent No.1 Bank and, therefore, the said Bank is obliged to negotiate and enter into the settlement for revision of salaries and other service conditions of its employees. The individuals representing the said Union whether rightly or wrongly is not an issue

which is required to be examined by the Bank. Even otherwise an application (ICTU) No. 2 of 2004 is already pending before the Industrial Court regarding the internal disputes about management of the Bank Karmachari Sangh or the elections/appointments made to the post of General Secretary etc. If the petitioners or any other employee of the Bank have apprehensions about unauthorised use of union funds by respondent No.2, they may have a remedy to approach the Industrial Court in application (ICTU) No. 2 of 2004, but certainly the impugned order cannot be interfered by this Court as the reasoning given therein cannot be held to be perverse or apparently erroneous. Petition must, therefore, fail and the same is hereby rejected summarily.